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selves and seeking diversion. This was the least philosophical and the least serious portion of their lives ; the most philosophical part of it was when they lived most simply and tranquilly."

"The virtue of a man ought not to be measured by his great efforts, but by his ordinary conduct."

"If we dreamed every night the same thing, it would affect us as much perhaps as the objects which we see every day. If an artisan was sure of dreaming every night, for twelve hours, that he was a king, I believe he would be nearly as happy as a king who should dream every night, for twelve hours, that he was an artisan. If we dreamed every night that we were pursued by enemies and harassed by terrible phantoms, while we passed every day in various occupations, we should suffer nearly as much as if the dream were true, and should dread going to sleep, as we now dread to wake, from the fear of really falling into such misfortunes. In truth, these dreams would cause nearly as much suffering as the reality. But because dreams are very various and unlike each other, what we see in them affects us much less than what we see in our waking hours, on account of the continuity of events when we are awake ; this continuity, however, is not so fixed and constant as to be wholly free from change, though the scenes shift less suddenly and less frequently. Life is only a rather more constant dream."

ART. II. — *History of the Law of Nations in Europe and America, from the earliest Times to the Treaty of Washington, 1842.* By HENRY WHEATON, LL. D., Minister of the United States at Berlin, Corresponding Member of the Academy of Moral and Political Science in the Institute of France. New York : Gould, Banks, & Co. 1845. 8vo. pp. 797.

IN taking notice of a work on international law written by the accomplished minister of the United States to the court of Berlin, we need not bespeak for it any attention, which the long established reputation of the author would not of itself command. Mr. Wheaton's name is no stranger to the pages of this Journal ; it has for years been most honorably connected with not only the literary, but the legal and diplomatic, annals of our country. No writer ever enjoyed greater

opportunities for testing the principles deduced from the works of philosophers and historians by their application to the business of cabinets ; while as a jurist, associated in its brightest days with the most august tribunal in America, whose province is not only to expound constitutional and municipal law, but to interpret treaty obligations and the law of nations, our author became conversant, at an early period, with the operations of the international code upon the rights and duties of individuals.

The work now before us owes its origin to the proposal of a subject for a prize essay by the Institute of France, and its object is to trace the progress which the law of nations has made since the treaty of Westphalia. But much of the interest which it has for the American reader is derived from the additions made to it since its translation into the English language. These preserve in a durable form the diplomatic papers written by Mr. Webster during the negotiation of the treaty of Washington, and which of themselves would be enough to establish for their author an enduring fame as a statesman and a jurist.

International law, in the sense in which we understand it, consisting, when not based upon express conventional arrangements, of recognized principles, forming a sort of common law among the independent states of Christendom, can hardly be said to have had an existence among the nations of antiquity. The Greeks and Romans respectively regarded all other people as barbarous. The Greeks had among themselves, owing to their common origin and the similarity of their systems of religion, some regulations tending to mitigate the ferocity of war between their different states ; but these were rather religious than political institutions, providing for resort to the temples and oracles of the gods in war as well as in peace, and for the burial of the dead, and other matters of a similar character. Even the Amphictyonic Council, which we are in the habit of regarding as a federal tribunal, and as the political arbiter of Greece, in reality enjoyed few prerogatives, and these were chiefly of a religious nature. The only institution at all resembling the permanent legations of modern times, having for its object to preserve good-will and remove causes of offence among nations, was that of the *proxeni*. These agents, however, were not usually citizens of the country whose business they

transacted, but of the state in which they resided ; and their functions were of the character which, according to the usage of modern times, would be deemed consular, not diplomatic.

The rich stores of Grecian literature furnish not one treatise on the law which should regulate the intercourse of nations with each other. Indeed, under the views then prevalent, it is difficult to find any basis for such an essay ; and though Grotius refers to one as among the lost books of Aristotle, Barbeyrac shows, that this eminent writer had been led into an error by one of the commentators of Aristotle, who had mistaken the title, which was *Δικαιώματα πόλεων*, and not *Δικαιώματα πόλεμων*, or a treatise on government, and not on war.

The Roman policy aimed at universal aggrandizement, and regarded all nations as enemies until they were incorporated into the commonwealth. With them, a system of public law, like that which now exists among the civilized nations of the world, could have no place. In the whole body of the Roman civil law, as it has come down to us, there is no allusion to international relations ; and the very term *legatus* is applied, not to an ambassador, but to the deputy-governor of a province. It is true, that the fecial law gave regularity to war, and we have memorable examples of the good faith of Roman generals towards the public enemy under the most trying circumstances ; but there was nothing to prevent the confiscation of the property of the vanquished, both public and private, and the condemnation of the captives and their posterity to endless servitude. We may here observe, that in no one particular has the advance in civilization been more marked, even since the days of Grotius, than with reference to the treatment of prisoners of war. At the period in question, though not tolerated in practice among Christian nations, the right to reduce prisoners to slavery was not denied to be a principle of public law. The course which then prevailed was that of ransoming the captives, which had succeeded to the custom of enslaving them ; and this was effected not at the expense of the government, but of the prisoner, while the sum paid was the private emolument of the individual captor. The first example to be found of an exchange of prisoners, according to the usage of the present day, dates back only to 1665, when an agent for that purpose was sent

from Holland to England, *flagrante bello* ; but the old practice of ransoming the captured is referred to in a cartel between England and France so late as 1780, and in this paper the money price for men of all ranks, both in the land and naval service, is given.

The treaty of Westphalia is made the epoch from which to trace the improvements in public law. Before that period, the Reformation had liberated the minds of men from ecclesiastical thralldom. The rights of civil and religious liberty had been vindicated, as well in Germany as in the republics of the United Provinces and of Switzerland, to whose political independence a formal sanction was at that time accorded. The constitution of the empire itself was also adjusted on a basis which was preserved in all its essential features, till it was overturned by the progress of the French Revolution, — a torrent which annihilated in its course all ancient landmarks. Much, however, had previously been done to build up that system of public law, which was already recognized by the civilized nations of Europe. The civil law, never entirely superseded as to the Roman population of the former provinces of the empire, had established for itself an acknowledged sway throughout the continent, and might well have been considered as its international code, so far as it was applicable to the intercourse of states with each other. In addition to those simple principles of justice, which could not well be disputed, the usages of nations had also formed a consuetudinary law. Mr. Wheaton enumerates among the publicists who wrote before Grotius, Victoria and Soto, those doctors of Salamanca, who had the boldness in the sixteenth century to support the rights of the unfortunate American aborigines against the avarice of the Spaniards ; Balthazar Ayala, a native of the Netherlands, also a subject of the King of Spain ; Conrad Brunus, a German civilian, who, as our author remarks, is nowhere mentioned by Grotius ; and Alberico Gentili, an Italian by birth, who is known to us not only as an advocate in the English admiralty courts, but as professor of civil law at Oxford, and whose work, "*De Jure Belli*," we may infer, was, at least in respect to the arrangement of the subject, nearly of the same utility to Grotius as the subsequent labors of Wolf were to Vattel. The *consolato del mare*, which is the basis of the maritime jurisprudence of Europe, may be traced as far back as the fourteenth century.

On the state of the public law, as it existed at the time of the conclusion of the treaty of Westphalia, the work of Grotius, though written during the Thirty Years' war, may be considered as a trustworthy authority. It was published in 1625, twenty-three years before the peace ; and though his citations are generally drawn from the poets, philosophers, and historians of antiquity, excluding all allusions to contemporaneous discussions, it was by his writings and those of his disciples, that the statesmen who took part in the adjustment of the affairs of Europe at that memorable epoch were formed.

"During this period," says Mr. Wheaton, "the influence of the writings of the publicists was perceptibly felt in the councils and conduct of nations. The diplomacy of the seventeenth century was learned and laborious in the transaction of business. Its state papers are filled with appeals, not merely to reasons of policy, but to the principles of right, of justice, and equity ; to the authority of the oracles of public law ; to those general rules and principles by which the rights of the weak are protected against the invasions of superior force, by the union of all who are interested in the common danger. In the present age, these laborious discussions appear superfluous and pedantic. These general principles are taken for granted, and it is not thought necessary to demonstrate them by reasoning on the authority of the learned. But in the times of which we speak, they had not acquired the force of axioms, and required to be fortified by argument and an appeal to testimonies, which showed the general concurrence of enlightened men in the rules of justice, which regulate, or ought to regulate, the intercourse of nations." — pp. 79, 80.

Mr. Wheaton divides the history of international law, during the two hundred years which he passes in review, into four distinct epochs. In this arrangement it is not our intention to follow him ; but we shall briefly notice the principal topics to which his work refers. The most interesting question that is discussed relates to the right of intervention of one state in the affairs of another, which topic presents itself under several phases in the modern history of Europe. We shall, however, postpone all reference to it, till we have considered the other matters noticed by Mr. Wheaton ; and then we shall examine it in connection with those suggestions of a system of permanent intervention, which philanthropists

at different periods have proposed as a preventive for the evils of war. Other points worthy of special notice are those growing out of the conflicting rights of belligerents and neutrals in maritime wars, involving the right to search vessels, either with or without convoy, together with the question, how far the neutrality of the ship protects the cargo. The application of the term *contraband*, the law of blockade, and the right of neutrals to carry on a trade opened to them by a belligerent in war, but in which they are not allowed to participate in peace, are among the other important subjects considered in this work. Between the United States and Great Britain grave disputes have arisen respecting the right of search for men, with a view of impressing sailors from American merchant-vessels, on the plea that they were British subjects; and more recently, and in time of peace, respecting the right to search vessels in order to ascertain their national character, and prevent them from taking a part in the African slave-trade; also, upon the question, how far a merchant-vessel driven into a foreign port by stress of weather is subject to the local jurisdiction. The right of riparian owners to the use of navigable rivers to the sea has been a subject of negotiation both in Europe and America.

The question, whether the ship shall protect the goods on board of it, was among the points about which jurists differed at an early period, and a contrariety of opinion and practice respecting it has prevailed among nations down to the present day. The ordinance of Louis the Fourteenth not only followed the *consolato del mare* in determining that the goods of an enemy in the ship of a friend were liable to capture, but rejected the rule, that the goods of a friend in an enemy's ship were exempt from seizure, thus construing the regulation in every case in favor of the belligerent. We may see how far the early code of France was opposed to those maritime rights, of which she subsequently professed to be the champion, by adverting to the ordinance of Francis the First, which made a neutral vessel liable to confiscation for being laden with enemy's goods. This provision was revived in the ordinance of Louis the Fourteenth, in 1681, and continued to be the law till 1744, in the reign of Louis the Fifteenth, when the enemy's goods alone were condemned, the ship being restored. This, however, was a regulation peculiar to France and Spain, and the rule is not to be found in

the jurisprudence of any other country ; though Grotius deemed it necessary to combat the idea, that goods found on board an enemy's ship were inevitably to be confiscated. He considers only the presumption to be against them, and that it is incumbent on the neutral claimant to prove his property. He says, further, that the vessel of a friend is not good prize, because enemy's goods are found in it ; though he qualifies his position not a little by adding, "unless they were placed there by consent of the master."

It is worthy of remark, that the earliest relaxation in favor of neutrals is found in a treaty concluded by France with the Sublime Porte, in the beginning of the seventeenth century, by which the goods of enemies on board of French vessels were exempted from capture. The same principle was adopted in other treaties between Turkey and the maritime states of Christendom, while the double provision of *free ships free goods, enemy's ships enemy's goods*, is contained in the treaty of the Pyrenees between France and Spain. Great Britain, also, in her several treaties with Portugal, France, and Holland, concluded previously to the treaty of Utrecht, had conceded the principle, that free ships make free goods. That rule was a favorite one with Holland, also, and she succeeded in establishing it with France by the treaty of Nimeguen, in 1678, which was subsequently confirmed by that of Ryswick, in 1697. France adopted the same principle in her treaty with Denmark, in 1663, and with Sweden, in 1672. But in the treaties of that period which Sweden and Denmark had with one another, and which England had with each of them, the old principle of the *consolato del mare*, declaring that the goods of a neutral in an enemy's ship were free, and confiscating enemy's goods on board of a neutral vessel, may be found. The treaties of the peace of Utrecht were followed by commercial conventions between Great Britain and Holland, and France and England, in all of which the maxim, *free ships free goods, enemy's ships enemy's goods*, was recognized.

The modifications of the law of nations contained in the treaties of Utrecht did not extend to nations not parties to those treaties, and as they were all belligerents in the maritime war terminated by the treaty of Aix la Chapelle, the *casus fœderis* never arose ; and though Holland was neutral during the war of 1756, yet, on the pretext that she had not

fulfilled the guaranties contained in her treaties, Great Britain refused to allow her any benefit from the provision in the antecedent treaties, that free ships made free goods. The maritime law, as it existed in practice, was directly opposed to the provisions of treaties, — the latter sustaining the principle last referred to, while the former adhered to the rules of the *consolato del mare*. The conflict between these principles, during the war preceding the peace of Aix la Chapelle, occasioned the dispute, memorable on more accounts than one, between England and Prussia, in relation to the Silesian loan. It grew out of the capture of Prussian ships, and their subsequent condemnation by the Court of Admiralty, on pretext of having enemy's goods on board, or articles deemed contraband, though not recognized as such in the treaties which Great Britain had made with other powers. Not only was the sufficiency of the ground of seizure denied, in consequence of which Prussia retained the debt due to British merchants, secured by mortgage on the revenues of Silesia, but the exclusiveness of the decision of the Admiralty Court was also disputed. The difficulty was settled, however, as questions between governments usually are, by mutual concession, waiving the question of right, and the case cannot therefore be cited as establishing rules in the law of nations.

The treaty between the United States and France, in 1778, concluded before the armed neutrality to which we shall presently advert, established the principle of *free ships free goods*, the benefit of which was extended, by a French ordinance of the 6th of July, 1778, to all neutral powers, to whom also was conceded the right of sailing from one port of the enemy to another, unless blockaded. With Great Britain we never have had a stipulation of this nature, and the conclusion of the treaty of 1794 with that power, recognizing the rule of law which is understood to prevail in the absence of all treaties, was made the ground of reclamation on the part of France, and led to the decree of the 2d of March, 1796, authorizing the capture of enemy's property in American vessels, and declaring that the United States had renounced the privileges enjoyed under the treaty of 1778. The principle, that free ships make free goods, was, however, again restored by the treaty of 1810 with France, and still continues the rule between the United States and most of the powers with which we have special treaties. It was

adopted in our first treaties with the United Netherlands in 1782, with Sweden in 1783, and with Prussia in 1785.

But this principle, of late years, has steadily been resisted by Great Britain, who, in her last commercial convention with her old ally, Portugal, induced that power to renounce a provision, which went back as far as 1654 ; and the commercial treaty of 1786, between Great Britain and France, in which the provision of free ships making free goods was incorporated, was defended by the minister of the day only on the ground that it was likely to be wholly inoperative, as a case could scarcely be conceived, where one of these parties would be engaged as a belligerent while the other was neutral. It may here be remarked, that in the subsequent treaties of peace between Great Britain and France, as in that of Amiens in 1801, and of Paris in 1814, a total silence has been observed as to all disputed principles of maritime law.

The extent to which articles might be declared contraband of war has also been a matter of frequent conventional arrangement. The ordinance of Louis the Fourteenth had confined the term *contraband* to munitions of war ; while Grotius considers those things that are useful in war to be at all times contraband, but that those which may be used indiscriminately in war and peace are liable to seizure only in consequence of the necessities of the capturing belligerent ; in which case, the capture is not placed on the ground of the illegal conduct of the neutral, but is referable to the wants of the belligerents ; and with this opinion Bynkershoek coincides. Contraband goods, in the old French law, were subjected, not to confiscation, but to the right of preëmption ; while it seems to have been the early usage of the English admiralty courts to condemn both ship and cargo, on account of the contraband articles. By the modern English practice, naval stores and provisions are subject to the right of preëmption only. Our treaty of 1794 with Great Britain contains a definition of contraband, and declares further, that, in those cases in which provisions and other articles not generally contraband shall become so, full indemnification shall be made by the captors. This provision was induced by the complaints against the British order of June, 1793, and for which the subsequent order of April, 1795, afforded renewed occasion. The British proceedings were defended,

as well on the ground of reducing the enemy to terms by famine, as from necessity on the part of the English themselves, who were threatened with a scarcity of the articles directed to be seized.

The legality of those orders formed a subject of inquiry before the mixed commission under the treaty referred to, in which, as full justice has never been done to the labors of our commissioners, it may be permitted to one who has had occasion to study minutely their arguments, to state, that the principles of the law of nations applicable to the subject were fully exhausted in the able and conclusive opinions of those enlightened jurists, Gore and Pinckney, while the judgments of Trumbull are in no wise calculated to detract from the well earned fame which he afterwards obtained in other spheres of action. The result to our citizens, it may be added, was an ample indemnity.

Complaints about the spoliation of the property of our merchants, through the infractions of maritime law by Great Britain, under her orders in council, after the peace of Amiens, were all merged in an appeal to arms against that country. But the contemporaneous proceedings of Napoleon under the Berlin, Milan, and other decrees, in which he succeeded in making those powers of the continent participate over whom he exercised a commanding influence, while they retained a nominal sovereignty, have been atoned for in the several treaties of indemnity with France, Naples, and Denmark, the last of which was concluded, on the part of the United States, by Mr Wheaton himself.

The law of blockade was, in the time of Grotius, as it is at the present day, a matter of sharp contention between belligerents and neutrals, though that great writer founds the right of the former upon the expectation of compelling peace or a surrender of the blockaded place ; and so far from confiscating the vessel and cargo for an infraction of it in all cases, he is for imposing on the neutral only an indemnity for the damage occasioned by his conduct, or security against a repetition of the offence. Bynkershoek, in his enumeration of the treaties anterior to those of Utrecht, infers that the cases subjecting to forfeiture for breach of blockade were those in which contraband articles were in question. His comments on the decree of the States General in 1630, for the blockade of the ports of Flanders, show that paper blockades

were considered no more defensible by the publicists of that day than they are now, in despite of all attempts since made to sustain them both by England and France. But in the efforts of the Dutch, in 1652, to prohibit to the world all trade with the English, and in those of the Spaniards to blockade the whole coast of Portugal, we have illustrations of the same arrogant pretensions by which the conduct of the maritime belligerents during the war of the French Revolution was characterized ; and in the treaty of 1680 between England and Holland against France, we find the untenable pretension of blockading the whole French coast. This pretension was resisted by the same Baltic powers who, near a century afterwards, united with Russia in that "armed neutrality" which gave to the reign of the Empress Catharine so much of its lustre.

The belligerent right of search, which is not to be confounded with the pretension called the right of visit, recently asserted for the purpose of ascertaining the nationality of vessels in time of peace, was recognized in the *consolato del mare*. This right, as well as the punishment of confiscation for resisting it, was maintained in the early regulations of England, France, and Spain, though the pretensions of these states were frequently resisted by Holland and the Baltic powers. In early times, it was difficult to distinguish between claims founded on the right of search, and those supposed to be derived from the jurisdiction over the close seas. The preposterous claims of Spain and Portugal, founded on the bulls of Alexander the Sixth, to the commerce, navigation, and fisheries of the Atlantic and Pacific Oceans, the attempt to refute which gave occasion to the "*Mare Liberum*" of Grotius, have passed into oblivion. But so late as 1803, we find England refusing to extend to the seas adjacent to the British isles the provisions respecting impressment, which she was willing to concede in the treaty made with Mr. King as to the rest of the ocean. Great Britain then adhered to those doctrines which were the basis of the "*Mare Clausum*" of Selden, and which Gentili had maintained, though the assertion of them in former times had occasioned so many bloody contests with France and Holland.

This dispute respecting adjacent parts of the ocean is quite distinct from the claim to so much of the sea as may be brought under special jurisdiction, — within cannon-shot of

the coast, for example, — and over the waters between headlands. Not only has jurisdiction been assumed in such cases for revenue purposes by our government, but exception has been taken to the cruising of belligerent public vessels on our coasts, though not strictly within the marine league. The right of laying tolls on vessels passing the Sound, and the two Belts connecting the Baltic with the North Sea, is founded on the ownership of the adjacent shores, which belonged exclusively to Denmark, till the cession of Scania to Sweden in 1658.

A collateral question connected with the right of search is the right of a state to protect merchantmen against its exercise by the presence of a vessel-of-war. This claim was asserted as early as 1653, by Christina of Sweden, though the termination of the war then prevailing between the Dutch and English prevented its being applied in practice. A provision to the same effect was incorporated into the Danish code of 1688, but it seems never to have been called into operation. During the wars growing out of the French Revolution, the question was tested by England both with Sweden and Denmark, who, with the United States, during the greater part of those contests, were the only neutral maritime powers. The Swedish case arose in 1798, when a fleet of merchantmen, carrying cargoes of naval stores, the produce of Sweden and the property of Swedish subjects, to the Mediterranean ports in possession of France, under convoy of a ship-of-war, was captured by a British squadron, and proceeded against in the Court of Admiralty for an alleged breach of the right of visitation and search. The decision of Sir William Scott (Lord Stowell), on that occasion, is among the most celebrated efforts of that distinguished judge. After denying the right of a foreign neutral sovereign to interpose between his subjects and a belligerent cruiser, he pronounced sentence of confiscation, resting his decision, it may be said, on a citation from Vattel,* which, however conclusive on the general right of search, does not in the least touch the question of convoy, the only point at issue.

In December, 1799, a skirmish took place between a Danish frigate, convoying a fleet of merchantmen, and some British ships-of-war. The Danes fired on the British boats,

* Vattel, Liv. III. Chap. 7, § 114.

and the convoy was allowed to pass ; but the English ministers complained of the proceeding to the court of Denmark, as if they were the aggrieved party, and Count Bernstoff, in his reply, resisted the claim to visit vessels under convoy. But in 1800, an engagement took place between the Danish frigate Freya, in attempting to defend her convoy from search, and some British cruisers, in which lives were lost and the Danish frigate was captured. Reclamations were made on both sides, and a special minister was sent to Copenhagen, accompanied, *in order to give greater weight to his representations*, by a fleet. A convention was ultimately made, restoring the frigate and merchantmen, Denmark agreeing to withhold convoy, till the question should be settled by a definitive treaty.

Among the maritime rules of general concern, which arose during the period under review, is one which was first attempted to be established in the war of 1756, from which it derives its name. The object was to confine neutrals during war to their accustomed trade in peace ; and the attempt to punish by confiscation those who carried on with the enemy a trade not open in peace was first made by Great Britain against the Dutch. To a similar proceeding in regard to Denmark are we indebted for the work of Hubner, the ablest advocate of neutral rights, who was employed on a special mission on this occasion to the courts of France and England. The rule was not put in operation during the American war, but was a subject of constant discussion in the wars growing out of the French Revolution, and was applied by Great Britain to the total interdiction of the trade between neutrals and the colonial possessions of the enemy. The United States felt most sensibly the effects of this policy, and the capture and confiscation of their vessels under it formed one of the causes of the war declared against Great Britain in 1812. The change of policy on the part of nations having colonies, in allowing foreigners to trade with them during peace, would of course render the rule no longer operative in the event of a future contest ; though to the analogous case of the coasting-trade, the principles, if persisted in, would continue to apply.

The most interesting incident in the history of modern maritime law is the "armed neutrality" of the Empress Catharine ; its origin shows how important political events

are often the result of apparent accident. It seems to have grown out of a rivalry in intrigue between the two courtiers Panin and Potemkin, operating upon the vanity and ignorance of the extraordinary woman who then occupied the Russian throne. It is even said, that Catharine entirely misapprehended the purport of the measure, and supposed that it would be particularly agreeable to England. The declaration, however, which has become so famous, was drawn up on the 26th of February, 1780, and communicated to the courts of London, Versailles, and Madrid. It maintained, that neutral vessels might freely navigate from port to port on the coasts of nations at war, that enemy's goods not contraband should be free in neutral vessels, and only that port should be considered blockaded into which there was an evident danger of entering.

England answered with reserve, merely declaring that she had scrupulously fulfilled with Russia the obligations of her treaty and of the law of nations. From the enemies of Great Britain, and from all who were jealous of her power, the Russian declaration received a ready response. Spain declared her conformity, and France answered that the principles were no other than the rules prescribed to her own navy. Denmark and Sweden concurred, and concluded with Russia a convention of armed neutrality and for the equipment of a joint fleet. By this convention, the Baltic was declared *mare clausum* to the belligerent powers. The United Provinces, alternately menaced by England and France, the one requiring the stipulated succours, the other endeavouring to confirm the neutrality, acceded to the convention of armed neutrality, which led to the declaration of war against them by Great Britain on the 20th of December, 1780. The United States acceded on the 7th of April, 1781, Portugal on the 12th of July, 1782, and the King of the Two Sicilies on the 10th of February, 1783. Great Britain continued to act towards the neutral powers according to her previous practice, but exercised her rights with great caution, and did not put in force the rule of 1756.

A proposition to revive the armed neutrality, in some degree caused by the occurrence in relation to the Danish frigate Freya, was made by the Emperor Paul in 1800 ; and three several conventions were in consequence signed by Russia with Sweden, Denmark, and Prussia, forming a

quadruple alliance, each of the powers acceding to the conventions with the others. The articles of these treaties were similar to the principles of the first armed neutrality ; and there was added a further provision to meet the case of convoy, by which it was declared, the rule of free ships making free goods having been stipulated, that the declaration of the officer of the convoy as to contraband goods, the only articles justifying search, should be deemed sufficient.

The battle of Copenhagen and the death of the Emperor Paul soon dissolved the confederacy. It led, however, to the commercial convention of 1801 between Great Britain and Russia, which is considered as forming of itself an important epoch in the history of maritime law. By this convention, the Northern powers gave up the point of *free ships free goods*, the right of search, however, being confined to public ships-of-war. Great Britain yielded in all matters relating to the colonial and coasting trade, to blockades and modes of search, and to the limitation of contraband to military stores. The question of convoys was compromised in such a way, that, while England retained the semblance of the principle, the search was not likely to occur in practice. It may be added, that, on the rupture in 1807 between Russia and England, the Russian government published a declaration proclaiming "anew the principles of the armed neutrality, that monument of the wisdom of the Empress Catharine," and engaging never to depart from this system ; while England proclaimed "anew the principles of maritime law, against which was directed the armed neutrality under the auspices of the Empress Catharine." The subsequent treaties between Great Britain and Russia, and those between Great Britain and France, are totally silent upon the disputed points.

In a retrospect, however rapid, we cannot omit reference to the peculiar provisions of the treaty of 1785, between the United States and Prussia, which were intended to introduce important ameliorations into the usages of modern warfare, particularly by exempting noncombatants on sea and land, and merchant-vessels, from the inconveniences incident to war, and stipulating against the issuing of commissions to private armed vessels. The rule against privateering was a favorite scheme of Dr. Franklin, who was one of the American plenipotentiaries, though he clearly saw that by

the adoption of it we should lose more than any other power. A subsequent proposition, to abolish private war on the sea, was made to Great Britain by our government under the administration of Mr. Monroe, in 1823 ; but though eloquently sustained in the instructions of Mr. Adams to Mr. Rush, was not even taken into consideration by the other party.

During the long wars consequent on the French Revolution, the United States, owing to the similarity of language and origin, were the principal sufferers from the assertion of the British claim to the perpetual service of all who were born subjects of England, and from the taking away of seamen, supposed to be of British origin, from neutral vessels. Not only was the practice calculated to render ineffectual the rights of citizenship conferred on foreigners by the laws of the United States, but in innumerable cases, either through accident or design, native-born citizens were impressed and put on board English men-of-war. No injury appealed so strongly to the feelings of the American people as this, and to seek redress for it was one of the prominent objects of the last war. The war terminated, however, without any arrangement on this subject, and the matter has since, on several occasions, been brought up for discussion. In the negotiations of 1823, the American minister was authorized, if Great Britain would agree to abolish impressment, to stipulate to exclude all natural-born subjects of the belligerent party, not naturalized before the commencement of the war, from the public or private naval service of the neutral, and even to extend the exclusion to all those naturalized after the exchange of the ratifications of the treaty ; but Great Britain was then unwilling to treat on the matter. Impressment was also one of the numerous subjects confided to Mr. Gallatin, during his mission to London in 1826. In consequence, however, of what had previously occurred, that eminent diplomatist, though authorized to receive and discuss, was not permitted to make, any new proposals ; and he found, that, " though Mr. Canning (who was then premier) was, as Lord Castlereagh had been, ahead of public opinion or national pride, he did not feel himself quite strong enough to encounter those sentiments, and to give new arms to his adversaries ; and notwithstanding his conviction that an agreement such as we might accept was extremely desirable, he was not prepared at that time to make the proposal."

The change in the relative power of the two parties since the occurrences referred to, as well as the alterations in the mode of manning the royal navy, will probably prevent any recurrence of the practice ; but we cannot omit commending to the notice of the American reader the able argument of Mr. Webster upon this topic, addressed during the late negotiation to Lord Ashburton. Irrespective of the question of right, the Secretary clearly shows, on grounds somewhat novel, that the practice is opposed to the interests of England. To continue the claim is to put obstacles in the way of the emigration, which has proved so beneficial both to Great Britain and the United States.

“England acknowledges herself overburdened with population of the poorer classes. Every instance of the emigration of persons of these classes is regarded by her as a benefit. England therefore encourages emigration ; means are voluntarily supplied to emigrants to assist their conveyance, from public funds ; and the New World, and most especially these United States, receive the many thousands of her subjects thus ejected from the bosom of their native land by the necessities of their condition. They come away from poverty and distress in over-crowded cities, to seek employment, comfort, and new homes, in a country of free institutions, possessed by a kindred race, speaking their own language, and having laws and usages in many respects like those to which they have been accustomed ; and a country which, upon the whole, is found to possess more attractions for persons of their character and condition than any other on the face of the globe.

“ In time, they mingle with the new community in which they find themselves, and seek means of living ; some find employment in the cities, others go to the frontiers, to cultivate lands reclaimed from the forests ; and a greater or less number of the residue, becoming in time naturalized citizens, enter into the merchant service, under the flag of their adopted country. If war should break out between England and a European power, can any thing be more unjust, any thing more irreconcilable to the general sentiments of mankind, than that England should seek out these persons, thus encouraged by her, and compelled by their own condition, to leave their own native homes, tear them away from their new employments, their new political relations, and their domestic connections, and force them to undergo the dangers and hardships of a military service for a country which

has thus ceased to be their own country ? Is it not far more reasonable, that England should either prevent such emigration of her subjects, or that, if she encourage and promote it, she should leave them, not to the embroilment of a double and a contradictory allegiance, but to their own voluntary choice to form such relations, political or social, as they see fit in the country where they are to find their bread, and to the laws and institutions of which they are to look for defence and protection ? ” — pp. 740–742.

The exemption of American vessels, driven by stress of weather into ports in the Bahama Isles, from the operation of the English laws, so far as regards property in the slaves which may be on board of them, is maintained by Mr. Webster on the ground, that a vessel at sea is to be regarded as part of the territory to which she belongs, and that her being forced into a port, contrary to the intention of the owner or master, cannot affect her rights. Furthermore, “ By the comity of the law of nations, and the practice of modern times, merchant-vessels entering open ports of other nations, for the purpose of trade, are presumed to bring with them, and to retain for their protection and government, the jurisdiction and laws of their own country.”

“ If,” he adds, “ vessels of the United States, pursuing lawful voyages from port to port, along their own shore, are driven by stress of weather, or carried by unlawful force, into English ports, the government of the United States cannot consent that the local authorities in these ports shall take advantage of such misfortunes, and enter them for the purpose of interfering with the condition of persons or things on board, as established by their own laws. If slaves, the property of citizens of the United States, escape to British territories, it is not expected that they will be restored. In that case, the territorial jurisdiction of England will have become exclusive over them, and must decide their condition. But slaves on board of American vessels, lying in British waters, are not within the exclusive jurisdiction of England, or under the exclusive operation of English law ; and this founds the broad distinction between the cases.” — p. 729.

The attempt of England, sanctioned as it is by treaties with most of the maritime powers of Europe, to visit vessels on the coast of Africa, with a view to ascertain whether they are slavers and belong to a country which has conceded the reciprocal right of search, was a matter of exciting discussion between the governments of the United States and

Great Britain, to settle which was one of the primary objects of Lord Ashburton's mission. The treaty of Washington, however, leaves untouched the principle in dispute, and merely provides for the maintenance of independent squadrons for the suppression of the slave-trade ; and though the United States and Great Britain have affixed to this traffic the denomination of piracy, yet the highest tribunals of both countries, notwithstanding some indications which were at first given of a contrary nature, have concurred in considering it merely an offence against the municipal law, to be tried in the courts of the nation to which the vessel belongs, or by the mixed commissions established by special treaties, and not as a violation of the law of nations, which would authorize all civilized powers to regard the parties engaged in it as outlaws. Indeed, the proposition made by Lord Castlereagh to the Congress of Aix la Chapelle, in 1818, to denounce the slave-trade as piracy, was unqualifiedly rejected by the allied powers.

The right of riparian inhabitants to the use of navigable rivers to their outlet is a subject, the discussion of which has been of late years very interesting to the people both of Europe and America. It was agitated in 1784, by Joseph the Second, in relation to the Scheldt, the great outlet of the Catholic Belgic provinces, which had been closed by the treaty of Westphalia ; but the difficulties between the emperor and the Dutch were settled without the cession by the latter of the desired privilege. After the American Revolution, the question came up between the United States and Spain, in relation to the Mississippi, and attracted the attention of the Congress of the Confederation, besides furnishing occasion for the earliest diplomatic negotiations with Spain under our new government. By the treaty of 1763, the Mississippi had been made the boundary between the English and French possessions in America, and the right of navigation established in favor of the subjects of Great Britain, from its source to the sea. Louisiana was subsequently ceded by France to Spain ; and in the treaty of 1783, between the United States and Great Britain, the right of navigation, so far as these two powers were concerned, was secured to both. Spain, however, resisted the claim, on the ground of having gained possession of both banks of the river at its mouth ; while

the right was claimed by the United States, as well by the law of nature and nations, as by the treaties of 1763 and 1783. The dispute was terminated by the treaty of San Lorenzo el Real, in 1795, by which it was agreed, that the navigation of the Mississippi should be free in its whole breadth, from its source to the ocean, to citizens of the United States. By the cession of Louisiana to France, and its subsequent acquisition by the United States, and by the omission in the treaty of Ghent to renew the stipulation in favor of Great Britain as to the Mississippi, no part of which, it has been ascertained, lies in British territory, the right to its navigation has become exclusive in the United States.

By the treaty of Paris, in 1814, it had been stipulated, that the navigation of the Rhine and the Scheldt should be free ; and the discussions for effecting that object form an interesting chapter in the proceedings of the Congress of Vienna. By the *final act* of that body, as well as by the treaties between the riparian states of Germany, and by the conventions for the separation of Belgium and Holland, these objects were fully accomplished. Similar arrangements have been made as to other rivers of Europe, so that, in practice, subject perhaps to certain regulations as to tolls for the preservation of the works and the regulation of the police, the right of all the inhabitants bordering on a river to the use of it to the sea may be considered as part of the public law of Europe.

An attempt has more than once been made by the United States to apply these principles to the navigation of the St. Lawrence. Our claim is supported, also, not only by the consideration, that the St. Lawrence was a joint acquisition at the time when the American Colonies and Great Britain constituted but one people, but by the fact, that the river is to be regarded as the outlet of the mediterranean seas of our continent, the navigation of which belongs exclusively to us and England. Great Britain, on her side, declares the right of passage to be an imperfect right, exclusively under the control of the local sovereign ; and no arrangement has ever been effected with her on this matter. Indeed, she has insisted, that there is no distinction between a passage by land and one by water, and that she might make as good a claim to pass over our territory to the ocean, either by land, or by the

artificial navigation which the State of New York has created, and the Hudson. Incontestable as is our right, we may be permitted to remark, that the withholding of it probably operates more injuriously to Great Britain than to us. The effect of its being conceded might be to divert no small portion of the trade upon the Lakes from our own seaboard to Montreal and Quebec.

The right of intervention of one nation in the affairs of another presents a most delicate question of international law. It is not only difficult to lay down any fixed principles by which it may be regulated, but the very admission of the right, in any form, opens the door to indefinite abuse. We know not that we can better illustrate this position, than by a cursory notice of the cases referred to by Mr. Wheaton, in which the attempt has been made to apply the rule.

For an intervention to preserve the balance of power, the dispute respecting the Spanish succession in the beginning of the eighteenth century afforded a plausible pretext. The powers of Europe interfered, in opposition to the feelings and wishes of the Spanish nation, to prevent its union with France or Austria, which would reconstruct the empire of Charles the Fifth, and thereby be prejudicial to the independence of other states. The acceptance of the testament made in favor of the Duc d'Anjou, grandson of Louis the Fourteenth, was the cause of a bloody war, which was terminated only by the peace of Utrecht. That treaty sanctioned the right of intervention, by establishing as a fundamental rule of European law, and without reference to the will of the nation, the separation of Spain and France, while it gave to the House of Austria possessions no less valuable than Belgium, Milan, and Naples.

The next occasion for the application of the principle of intervention grew out of the Austrian succession, on the death of Charles the Sixth, the last male descendant of the House of Hapsburg. The object of the coalition to which this event gave rise was not to preserve, but to overturn, the existing balance of power in Europe, by partitioning the greater part of the Austrian dominions between Bavaria, Saxony, Prussia, and Spain. Even Frederick the Second rested his claim to Silesia, as his own Memoirs show, on grounds such as those by which military conquerors justify aggression. The questions, however, which the death of

Charles the Sixth occasioned, were ultimately settled, at the peace of Aix la Chapelle, by the recognition of the pragmatic sanction in favor of his daughter, and without any other diminution of her dominions than the cession of Silesia to Prussia, and of one or two unimportant Italian principalities to an Infante of Spain.

The Seven Years' war, as that of 1756 is often termed, is principally memorable to us on this side of the Atlantic, as having put an end to the dominion of France in America, and left her great rival undisputed mistress of all those portions of the North American continent which were not the property of Spain. It was, also, not without its influence on the relative position of European states. The attempt of France and Spain to form that combination, which it was the object of the treaty of Utrecht to prevent, had been without effect, Great Britain triumphing over their combined naval forces. Prussia, however, at this epoch, had become a first-rate power; and Russia, having previously acquired a large territory on the Baltic, began to assume her position in the affairs of Europe; while Sweden, by her cessions, became more than proportionably impoverished, and Spain and Holland lost the position which they had once occupied.

The defects in the internal constitution of Poland afforded no apology for an act of wanton spoliation, in which the ablest sovereigns of their times, Frederick and Catharine, took part, and Austria, the other party, was not unwilling to join. The portions assigned to each were finally settled by a convention signed at St. Petersburg on the 5th of August, 1772; and this most wanton aggression was justified, by the declarations of the respective powers, from the necessity of intervention, in order that their own mutual harmony and friendship might not be destroyed by the disorders of the republic, and that more natural and sure boundaries might be established for Poland. This partition was finally confirmed in 1775 by the diet; but from this time Russia regarded Poland as a conquered province. In 1788, however, an estrangement between Prussia and Russia led to a treaty between what remained of Poland and the former power, and a new constitution, abolishing the *liberum veto*, and rendering the crown hereditary in the electoral house of Saxony, was adopted. But the hopes of this unfortunate people were but short-lived, and their ally again became their despoiler. A

second partition was made between Russia and Prussia in 1793 ; and in 1795 the work was completed by the third partition between Austria, Russia, and Prussia. What rendered this proceeding the more monstrous was the fact, that it was consummated at the very time when the partitioning powers were preaching a crusade against France, on account of her revolutionary doctrines, the influence of which, they asserted, was used for external aggrandizement. The proceeding of Austria in relation to the Bavarian succession, in 1778, was so palpably a case of spoliation of a weak by a stronger power, as not to require any comments.

Another case of intervention was that of Prussia in the internal affairs of Holland, in 1787, for the purpose of restoring the stadtholder, who had been suspended from his functions by the States General ; the immediate apology for interference being an alleged indignity offered to his wife, who was a princess of Prussia. The stadtholder was restored by foreign force, and sustained by treaties concluded with Great Britain and Prussia guarantying his power, while the leaders of the patriotic party were banished. This action was one of the most unjustifiable cases of interference on record, being a foreign guaranty to a nation of its own constitution against any changes made by itself, for which a parallel is to be found only in the stipulation after the first disastrous partition of Poland, by which a right of interposition was accorded to Russia. The alliance thus formed proceeded to interfere in the affairs of other nations, and interposed, in 1790, between Joseph the Second and his revolted Belgic provinces. This same triple alliance continued to exercise an influence in the affairs of Europe till the French Revolution ; and its mediation was employed in the wars between Russia and Sweden, and between Austria and the Porte, and Russia and the Porte.

The part which the French government took between Great Britain and her colonies, in the war of the American Revolution, has been cited as another case of intervention in the internal affairs of states. The treaties, however, which France made with the United States were based on the assumed fact of their actual independence ; and when her right to treat with them was denied, she offered the example of Queen Elizabeth, in the case of the United Netherlands. In that affair, though England not only made a treaty with

the revolted provinces, but published a manifesto declaring her determination to sustain them, her course occasioned no rupture with Spain. "It was sufficient for his Majesty's justification, that the colonies, forming by their number and the extent of their territory a considerable nation, had established their independence, not merely by a solemn declaration, but also in fact, and had maintained it against all the efforts of the mother country."

The application of the principle of intervention again occurs in the war of the French Revolution. This was an interference of a peculiar nature, intended to prevent the spread of revolutionary principles, and to preserve the balance of power by hindering the undue extension of the French dominions. The first attempt to meddle with her internal affairs was made by the Emperor Leopold, in behalf of the German princes who had feudal tenures and tithes in Alsace; the emperor, at least, had a pretext for his conduct, because he had guaranteed the treaty of Westphalia, by which Alsace was ceded to France. The Austrian *ultimatum* of the 7th of April, 1792, requiring the reëstablishment of the monarchy on the basis of the 23d of June, 1789, was a direct interference in the domestic concerns of France, which could not but justify the declaration of war that ensued. The Prussian manifesto distinctly sets forth, among the causes of war, the propagation of principles subversive of social order, which had thrown France into confusion. "To prevent the incalculable evils which might result to France, to Europe, and to humanity in general; to suppress anarchy in France; to reëstablish for this purpose a lawful power on the essential basis of a monarchical form; and by these means to secure other governments against the criminal and incendiary efforts of a band of madmen,—such was the great object of the king and his ally." The institutions of Great Britain would not permit her to assume the same grounds of intervention as the continental powers had done. Her complaints were founded on the meditated attack on Holland, the opening of the Scheldt, the invasion of the Netherlands, and the encouragement of revolts in other countries. She was anticipated in her declaration of hostilities; but Mr. Pitt said, that the English would not have gone to war to change the internal government of France, but being at war, they had a right to contend for what would give them

security ; and Lord Mornington, afterwards the Marquis of Wellesley, stated, in 1794, that, " while the present or any other Jacobin government exists in France, no proposition for peace can be made or received by us."

The Congress of Vienna assumed avowedly the office of reconstructing the system of Europe, and the four great powers, Austria, Great Britain, Russia, and Prussia, asserted the right of disposing of all the territories of the French empire, which were not contained in the limits assigned to France, under her restored monarch ; though they subsequently admitted, as members of the directing committee, the plenipotentiaries of France, Spain, Sweden, and Portugal, who were the other parties to the treaty of Paris.

The intervention of Austria, Russia, and Prussia, the three powers that properly constituted the " Holy Alliance," in the Neapolitan revolution of 1820 ; of Austria, in that of Piedmont, in 1821 ; and of France, in the Spanish revolution of 1822, were cases of direct interference in the internal affairs of other states, based upon the propriety of making a general crusade against all revolutionary movements, and all constitutional changes which did not proceed from the sovereign himself. But in none of these proceedings did Great Britain concur. Indeed, on the last occasion, England, as well as the United States, protested against the right of the allied powers to interfere between Spain and her American colonies ; and the United States declared, that they would consider any attempt on the part of the allied powers to extend their peculiar political system to the American continent as dangerous to our peace and safety.

The intervention of Great Britain, in 1826, in the affairs of Portugal, was based upon the obligations of ancient treaties. It was not intended by her to enforce the establishment of the Portuguese constitution against the will of the people ; but to prevent any thing being done by others to hinder this constitution from being carried into effect. The convention of 1834, the quadruple treaty between France, Great Britain, Spain, and Portugal, was alleged to be founded not only on the preceding considerations, but on the disadvantages which the movements of Don Carlos of Spain, in conjunction with Don Miguel of Portugal, occasioned to both the governments of the Peninsula, and to compel these princes to withdraw from the Portuguese dominions.

Jurisdiction over the controversy between Belgium and Holland was assumed in consequence of the application of the king of the Netherlands to the British government, requesting that plenipotentiaries of the five powers might assemble in congress to effect a conciliation between the two portions of his kingdom. The armistice, which was at once proposed by the conference, was accepted by the king of the Netherlands and by the provisional government of Belgium. There was, however, great dissatisfaction on both sides, as to the subsequent proceedings of the congress, — the king of the Netherlands denying their right to dismember his kingdom, while the Belgians insisted that they were not bound by treaties contracted by the Netherlands, to which they were not a party. A treaty was made, in 1831, between Belgium and the five powers, and France and Great Britain united to compel the king of the Netherlands to evacuate the territory ; and by a treaty between Belgium and Holland, in 1837, the arrangements of the five powers were finally carried into effect. Mr. Wheaton closes with the following remarks his notice of the discussions at this conference of London : “ Thus was terminated this long and tedious negotiation, which, in the course of its progress, alternately assumed the character of a mediation, of a forcible arbitration, or of an armed interference, according to the varying events of the struggle, and the fluctuating views of the powers who were interested in terminating it.”

Nor has the principle of intervention been confined to the relations between the different powers of Christendom. In 1828, it was applied by France, Great Britain, and Russia to the Greek revolution, and was carried out by the battle of Navarino, and the occupation of the Morea by the French troops, when the independence of Greece was recognized by the Ottoman Porte, under the mediation of the three contracting powers. In 1833, the interposition of the Christian states of Europe in the affairs of Turkey assumed a new form, so that they became the guardians of the integrity of the Ottoman empire against one of its principal vassals. The Porte demanded the protection of Austria, Great Britain, and France against Mehemet Ali, and the forces of Russia were placed at the disposition of the sultan. A settlement was subsequently made with the pacha, under the mediation of England and France. This arrangement was followed by

the treaty of Unkiar Skellessi, which seemed to give to the relations of Russia with the Porte a new character, by introducing the armed intervention of the former into the internal affairs of Turkey. The *casus fœderis* having arisen from the attempts of the sultan to recover his lost provinces, and of the pacha to assert his independence, the Western powers of Europe determined to interfere to save the Ottoman empire from the aggressions of Mehemet Ali, on the one side, and from the exclusive protectorate of Russia, on the other. An arrangement was finally made, in 1840, between the Porte and all the great European powers, except France, for the pacification of the East.

Schemes have been at different times devised by philanthropists for the purpose of putting an end to all war, and in the work before us the plans of St. Pierre and Rousseau, of Bentham and Kant, for effecting this object, are given in detail. In some shape or other, they are all referable to the principle of arbitration, or of a general council of nations, which may serve as a great tribunal, whose jurisdiction all states are to acknowledge. This project cannot be deemed a wholly untried experiment. The limited history of the United States presents some cases of foreign arbitrament ; and assuredly the most important reference, that of the question respecting the Northeastern boundary to the king of the Netherlands, is not calculated to give us a favorable idea of the mode in which such friendly offices are performed. The Holy Alliance, when it parcelled out kingdoms at Vienna, sacrificing Poland to Russia, the greater part of Saxony to Prussia, and the ancient republics of Genoa and Venice to Sardinia and Austria ; and when it met at Troppau and Laybach, to sustain the rights of sovereigns against their subjects, was exercising, under the most solemn sanctions of religion, that general superintendence over the affairs of Europe, which the philanthropists propose to vest in a general council. If it be objected, that the declared views of these sovereigns, and the circumstances out of which the alliance grew, afford a peculiar explanation for their hostility to popular institutions, — what is to prevent, in any confederation of independent states, that result which we see in the Germanic confederation, where the great powers of Austria and Prussia not only possess a preponderance that virtually divests the other members of all participation

in the general business of the diet, but which has enabled them to interfere in the internal concerns of the several states for the maintenance of monarchical pretensions against popular rights, and to create and sustain, even by military force, a censorship of the press more severe than any individual sovereign has ever established within his own dominions ?

Nor are the annals of the present Germanic confederacy calculated to recommend to us another mode of settlement of national disputes, which has more than once been suggested to our government, — a reference to foreign jurists. This course was proposed by Mr. Jay, while secretary of state under the old Confederation, for the settlement of our Eastern line and the determination of the St. Croix ; and was likewise adverted to in the negotiations about the North-eastern boundary, which both preceded and followed the arbitration of the king of the Netherlands. But when we recollect, that the same Mr. Gentz, who, in 1812 and 1813, made the most eloquent appeals in favor of German liberty, was the very individual who drew up the protocol of the diet of 1832, virtually annihilating those constitutional guaranties which even the Congress of Vienna had deemed it necessary to provide for the people against their local sovereigns, one may well doubt the independence and impartiality, however elevated the intelligence, of any tribunal thus constituted, especially when the influence of a sovereign or a powerful state is brought to bear upon the rights of subjects, or on the pretensions of weak neighbours.

Great as have been the calamities of war, it may well be doubted whether they ought not to be encountered, in preference to a system which would divest every small state of the perfect independence which belongs to all sovereignties. In the ameliorations of every kind which mark the present age, we see many circumstances that tend to lessen the extent and frequency of national hostilities. The discovery of gunpowder, by the very magnitude of the destruction which it causes, and by the calculations of which it is susceptible in practice, greatly lessened the frequency of war. Steam, which has produced such wonderful effects in augmenting the products of human labor, will be found not without correspondent influence in belligerent affairs. Who can tell what a revolution the action of steamers is to cause in future maritime contests ? What influence is the power

of concentrating, by means of railroads, the whole population of a country on a given point, to have on future invasions ? Considerations of self-interest and the mutual dependence of nations have also taught them not rashly to interrupt that commerce which is equally important to all parties. In the universal dissemination of the principles of free intercourse we look for that abolition of war, which we should consider to be purchased at too great a sacrifice, if it were brought about by subjecting, through another Holy Alliance or European congress, all the minor states of the world to the arrogance of England or the despotism of Russia.

- ART. III. — 1. *The Jewish Chronicle*. Published under the Direction of the American Society for meliorating the Condition of the Jews. New York. 1843–44.
2. *A Course of Lectures on the Jews*. By Ministers of the Established Church in Glasgow. Philadelphia : Presbyterian Board of Publication. 1840. 12mo. pp. 499.
3. *Narrative of a Mission of Inquiry to the Jews, from the Church of Scotland, in 1839*. Eighth Thousand. Edinburgh. 1843. 12mo. pp. 555.
4. *Lecture on the Restoration of the Jews*. By M. M. NOAH. Delivered October 28th, 1844, in the Tabernacle, New York City.

A NEW and rapidly increasing interest in the affairs of the Jewish people has of late years pervaded Protestant Christendom. Among the Jews themselves, too, our day reveals new elements of life, struggling to break the stupor of centuries. Some strange changes are taking place, also, in the external condition of this people. In one country, we behold revived against them a persecuting popish inquisition ; in another, an imperial edict is even now sending them, by hundreds of thousands, into exile ; in a third, — a Protestant country, too, — the long established policy of excluding them from political privileges altogether has withstood a bold onset from the liberal spirit of the age, and triumphed.